

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

**FOUNTAIN ENTERPRISES, LLC d/b/a  
ANYTIME FITNESS – WEST POINT,  
VITA GRATA LLC d/b/a ANYTIME  
FITNESS - SPOKANE VALLEY,  
KZONE SPORTS, FITNESS, AND  
WELLNESS LLC d/b/a ANYTIME  
FITNESS - SCHUYLKILL HAVEN,  
B FIT B YOU LLC d/b/a ANYTIME  
FITNESS - DANVILLE, EWT ENTERPRISES  
INC. d/b/a ANYTIME FITNESS - IRWIN,  
GMT FITNESS ENTERPRISES LLC d/b/a  
LRL  
ANYTIME FITNESS - GLENDALE, and  
NORTHWEST WELLNESS & FITNESS  
LLC d/b/a ANYTIME FITNESS REDMOND,  
individually and behalf of all others  
similarly situated,**

**CLASS ACTION**

**JURY TRIAL DEMANDED**

Case No.: 2:21-cv-00027-AWA-LRL

Plaintiffs,

v.

**MARKEL INSURANCE COMPANY,**

Defendant.

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs-Appellants in the above-named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from the final judgment entered in this action by the United States District Court, Eastern District of Virginia, Norfolk Division, on the 26<sup>th</sup> day of October 2021. Plaintiffs-Appellants seek reversal of the judgment because it was entered in error and the District Court should have found, among other things, that Plaintiffs-Appellants pleaded a plausible claim for relief in their First Amended Complaint.

**Plaintiffs-Appellants** seek appropriate relief from the Court of Appeals, including, but not limited to, an order reversing the District Court's judgment and sending the case back to the District Court for further proceedings.

Dated: November 23, 2021

/s/ David M. Kopstein

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*\*\*Pro Hac Vice Application to be filed  
Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, David M. Kopstein, certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record, and parties may access the filing through the Court's system.

Dated: November 23, 2021

/s/ *David M. Kopstein*

David M. Kopstein